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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIKHAIL GERSHZON, an individual,
on behalf of himself and all others
similarly situated,

Plaintiff,

v.

EVENT TICKETS CENTER, INC., a Florida
Corporation,

Defendant.

Case No. 3:24-cv-04142-AGT

Hon. Alex G. Tse

**JOINT CASE MANAGEMENT
STATEMENT**

1 Pursuant to Federal Rule of Civil Procedure 26(f), Plaintiff Mikhail Gershzon, (“Plaintiff”)
2 and Defendant Event Tickets Center, Inc. (“Defendant”) (jointly, the “Parties”) jointly lodge the
3 following report.

4 The parties’ counsel identified below participated in a meeting as required by Rule 26(f) of
5 the Federal Rules of Civil Procedure and the Court’s Order Setting Scheduling Conference and
6 have prepared the following joint report.

7 1. JURISDICTION AND SERVICE

8 Plaintiff alleges that the court has subject matter jurisdiction pursuant to the Class Action
9 Fairness Act, 28 U.S.C. 1332(d) (“CAFA”), as Plaintiff (California) and Defendant (Florida)
10 are diverse, there are over 100 alleged class members, and the amount in controversy exceeds
11 \$5 million. There are no issues regarding personal jurisdiction or venue. Defendant was served
12 and has made an appearance by counsel.

13 Defendant does not dispute subject matter jurisdiction. However, Defendant disputes that this
14 Court has personal jurisdiction over Defendant due to the Defendant’s lack of contact with the
15 forum state.

16 2. FACTS

17 Plaintiff: Defendant operates the website eventticketscenter.com. Defendant utilizes advertising
18 to draw consumers to its website. The advertising contains misrepresentations that lead
19 consumers to believe that by clicking on the link, they will be visiting the actual site for the
20 venue. Once Defendant lures consumers into visiting its website, it continues its deception by
21 leading consumers to believe that the tickets are limited or almost sold out, when in fact that is
22 untrue. This enables Defendant to charge a hefty premium on the tickets. Even after
23 manipulating the consumer into making a purchase at a grossly inflated price, Defendant
24 continues to scam the consumer. Defendant provides counterfeit tickets or in some instances
25 does not provide the tickets at all.

26 Plaintiff purchased tickets from Defendant believing he was purchasing tickets from the venue.
27 He was misled to pay more than he would have and ended up receiving fraudulent tickets.
28

1 Defendant: Defendant operates the a ticket resell marketplace website called
2 eventticketscenter.com. Defendant provides a platform for consumers to purchase and sell
3 tickets typically for entertainment-related events. On April 2, 2023, Plaintiff purchased tickets
4 to a Queen & Adam Lambert concert which was scheduled to to take place on Saturday
5 November 11, 2023 in Los Angeles, California. Plaintiff received a confirmation email of his
6 purchase on April 2, 2023.

7 On November 6, 2023 Plaintiff received an email confirming Plaintiff's tickets were ready to
8 be claimed. This November 6, 2023 email contained instructions for accessing the tickets.

9 On November 8, 2023 Plaintiff received an email confirming that the tickets had been
10 transferred to Plaintiff's email, the same email Plaintiff used to purchase the tickets on April 2,
11 2023. The November 8, 2023 email also contained instructions on how to locate the tickets if
12 Plaintiff had not yet "claimed" them per the instructions from the November 6, 2023 email.

13 Defendant's records show that tickets were transferred on November 6, 2023 and Plaintiff
14 downloaded them on November 11, 2023. Further records indicate that Plaintiff or whoever
15 Plaintiff directed to access the tickets had technical issues with their smartphone. Defendant
16 fulfilled Plaintiff's purchase according to their policies and procedures. Defendant provided
17 Plaintiff with timely, valid, and legitimate tickets for Plaintiff's purchase on April 2, 2023.

18 3. LEGAL ISSUES

19 The Parties dispute whether Defendant's conduct was unlawful and whether Plaintiff suffered
20 injury.

21 Defendant also disputes that Plaintiff is a viable class member to represent a putative class.

22 4. MOTIONS

23 There are no pending motions.

24 Plaintiff anticipates filing a Motion for Class Certification. Plaintiff may also file a Motion for
25 Summary Judgment.

26 Defendant anticipates opposing any Motion for Class Certification. Defendant also may file a
27 Motion for Summary Judgment/Adjudication.

28

1 5. AMENDMENT OF PLEADINGS

2 Plaintiff does not intend to amend his complaint at this point but reserves his right to amend.
3 Plaintiff proposes that the Court set the deadline to amend pleadings to January 31, 2025.

4 6. EVIDENCE PRESERVATION

5 The Parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored
6 Information (“ESI Guidelines”) and confirm that they have met and conferred pursuant to Fed.
7 R. Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve evidence
8 relevant to the issues reasonably evident in this action.

9 7. DISCLOSURES

10 The Parties will serve their Initial Disclosures under Fed. R. Civ. P. 26 on October 4, 2024.

11 8. DISCOVERY

12 Plaintiff will serve discovery shortly. Plaintiff asserts discovery should not be bifurcated.

13 Defendant will serve discovery shortly. Defendant asserts discovery should be bifurcated
14 because Defendant contends Plaintiff does not have viable individual claims.

15 The Parties do not propose any limitations or modifications to the discovery rules, and filed a
16 Stipulated Protective Order based on the Model Protective Order for the Northern District of
17 California.

18 There are no identified discovery disputes at this time.

19 The parties anticipate standard discovery including written discovery, document productions,
20 third party subpoenas, depositions, and expert discovery.

21 The parties are not yet certain how many depositions of fact witnesses will be requested. The
22 parties do not request permission to serve more than 25 interrogatories.

23 9. CLASS ACTION

24 Plaintiff proposes that class certification discovery not proceed separately from merits
25 discovery.

26 Defendant contends that class certification discovery proceed separately from merits discovery
27 because Defendant contends Plaintiff does not have a viable individual claim and denies all
28 individual and class claims alleged.

1 All attorneys of record for the Parties have reviewed the Procedural Guidance for Class Action
2 Settlements.

3 10. RELATED CASES

4 None.

5 11. RELIEF

6 Plaintiff seeks the following forms of relief:

- 7 a) Class certification under FRCP 23;
- 8 b) An award of compensatory, statutory, and nominal damages in an amount to be
9 determined;
- 10 c) An award for equitable relief requiring restitution and disgorgement of the revenues
11 wrongfully retained as a result of Defendant's wrongful conduct;
- 12 d) Public Injunctive Relief
- 13 e) An award of reasonable attorneys' fees, costs, and litigation expenses, as allowable
14 by law; and
- 15 f) Such other and further relief as this Court may deem just and proper.

16 Defendant denies Plaintiff is entitled to any such damages or relief as requested above, and
17 seeks recovery of its costs and attorneys' fees. Defendant also seeks such other relief as the
18 Court deems appropriate.

19 12. SETTLEMENT AND ADR

20 There have been settlement discussions. The Parties agree to private mediation.

21 13. OTHER REFERENCES

22 None.

23 14. NARROWING OF ISSUES

24 The Parties have identified that the following issues can be narrowed by motion: (1) whether
25 Plaintiff may maintain the action as a class action, based upon Rule 23.

26 15. PROPOSED SCHEDULES

27 The Parties offer their proposed schedule below.

28

Deadline	Proposed Date
Plaintiff shall file his class certification brief	August 1, 2025
Defendant shall file its opposition to class certification	September 8, 2025
Plaintiff shall file his reply to Defendant's opposition to class certification	October 6, 2025
Fact discovery shall close	60 days after a ruling on Plaintiff's Motion for Class Certification
Plaintiff shall serve his expert reports	3 months after a ruling on Plaintiff's Motion for Class Certification
Defendant shall serve its expert reports	3 months after a ruling on Plaintiff's Motion for Class Certification
Expert Rebuttal Reports due	5 months after a ruling on Plaintiff's Motion for Class Certification
Expert discovery shall close	6 months after a ruling on Plaintiff's Motion for Class Certification
Summary judgment motions shall be filed	7 months after a ruling on Plaintiff's Motion for Class Certification
Oppositions to summary judgment motions shall be filed	Four weeks after Defendant files its summary judgment motion
Replies to oppositions to summary judgment motions shall be filed	Six weeks after Defendant files its summary judgment motion
Dispositive Motion Hearing Date	11 months after a ruling on Plaintiff's Motion for Class Certification
Pretrial Conference	To be determined after a ruling on Plaintiff's Motion for Class Certification
Trial on the merits	To be determined after a ruling on Plaintiff's Motion for Class Certification

1 16. TRIAL

2 Plaintiff contends that this is a jury proceeding and anticipates the trial will take two weeks.

3 Defendant also requests a jury trial and anticipates trial will take two weeks.

4 17. DISCLOSURE OF NON-PARTY INTERESTED PERSONS

5 The Parties have filed their Certificates of Interested Entities or Persons. There are no persons,
6 firms, partnerships, corporations (including parent corporations) or other entities known by the
7 party to have either: (i) a financial interest in the subject matter in controversy or in a party to
8 the proceeding; or (ii) any other kind of interest that could be substantially affected by the
9 outcome of the proceeding.

10 18. PROFESSIONAL CONDUCT

11 All attorneys of record for the parties have reviewed the Guidelines for Professional Conduct
12 for the Northern District of California.

13 19. OTHER

14 None.

15 Respectfully submitted,

16
17 DATED: October 4, 2024

/s/ Ben Travis

18 BEN TRAVIS
19 Attorney for Plaintiff MIKHAIL
20 GERSHZON

21 DATED: October 4, 2024

/s/ Omar V. Hernandez

22 PETER B. MARETZ
23 OMAR V. HERNANDEZ
24 Attorney for Defendant EVENT TICKETS
25 CENTER, INC.
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1 I hereby attest that all other signatories listed, and on whose behalf the filing is submitted,
2 concur in the filing's content, and have authorized the filing.

3
4 DATED: October 4, 2024

/s/ Ben Travis

5 BEN TRAVIS
6 Attorney for Plaintiff MIKHAIL
7 GERSHZON
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